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Human rights situation in Palestine and other occupied Arab territories

Joint written statement* submitted by International Youth and Student Movement for the United Nations, a non-governmental organization in general consultative status; International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Arab Lawyers Union, Arab Organization for Human Rights, General Arab Women Federation, Indian Movement "Tupaj Amaru", International Volunteerism Organization for Women, Education and Development - VIDES, Nord-Sud XXI - North-South XXI, Organisation Mondiale des associations pour l'éducation prénatale, Organisation pour la Communication en Afrique et de Promotion de la Cooperation Economique Internationale - OCAPROCE Internationale, Union of Arab Jurists, United Towns Agency for North-South Cooperation, Women's International League for Peace and Freedom, non-governmental organizations in special consultative status; Indian Council of South America (CISA), International Educational Development, Inc., International Human Rights Association of American Minorities (IHRAAM), World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

PALESTINIAN REFUGEES*

Who are the Palestinian Refugees?

The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) defines Palestinian refugees as "persons whose normal place of residence was Palestine between June 1946 and May 1948, who lost both their homes and means of livelihood as a result of the 1948 Arab-Israeli conflict"[1].

Beginning of the Palestinian Refugees Crisis

Palestinian refugees are the indigenous population of Palestine. Following the 1947 U.N. partition plan and the 1948 declaration of the State of Israel, 60 percent of the total Palestinian population was expelled or left as a result of the conflict, over 500 Palestinian villages were depopulated and over half of them destroyed to prevent their return.

By 1949, only 150,000 of the pre-1947 Palestinian population remained in the newly created state. Two thirds of the refugees went to the West Bank and the Gaza Strip. The remaining third migrated throughout Jordan, Syria, Lebanon, and other parts of the world. This event has become known as the al-Nakba "the catastrophe", commemorated every year on 15 May by Palestinians to remember the forcible expulsion of those more than 750,000 Palestinians or who fled their homes between 1947 and 1949.

This dispossession and expulsion continued during the 1967 war, which resulted in the occupation of the Gaza Strip and the West Bank. In 1967, 325,000 Palestinians, many of them refugees originally displaced in 1948, sought refuge in neighbouring Arab states. During the next decade, averages of 21,000 Palestinians per year have been expelled from the areas controlled by the occupying power.

In the Palestinian territories occupied by Israel since 1967, more Palestinians have been displaced as a result of war, house destruction, revokation of residency rights in Jerusalem and the continuing construction of illegal Jewish settlements, as well as the illegal separation barrier. This had terrible effects on the refugees living within the areas attacked and/or annexed by Israel: the West Bank, Gaza, East Jerusalem, the Golan Heights, and the Sinai Peninsula.

Palestinian refugees generally fall into three main groups:

- Palestinian refugees displaced in 1948.
- Internally displaced Palestinians who remained within the areas that became the state of Israel
- Palestinian refugees displaced in 1967 from the West Bank and Gaza Strip.

To date, Israel has prevented the return of the Palestinian refugees, who have either been expelled or been displaced. Approximately 250,000 internally displaced individuals are prevented from returning to their homes and villages. This denial of the right to return has continued for more than 58 years.

The Partition of Palestine

In September 1947, the General Assembly assigned the question of the partitioning of Palestine to its Ad Hoc Committee. On 25 November 1947 the final draft of the partition resolution presented Resolution 181. Although the plan was against the will of the Palestinians the General Assembly in New York voted for the partition and accepted Resolution 181. Palestine was thus divided into 3 parts: a Jewish part, a Palestinian part and an internationally administered zone to include the city of Jerusalem to be administered by the United Nations.

1 Palestine Refugees - http://www.unrwa.org/palestine-refugees

The Arab League rejected the plan to partition Palestine by any outside power. The plan was however accepted by the Jewish side that still faced the problem of having one million Palestinians in the part of Palestine allocated to them. During the tensions following the end of the British Mandate Jewish forces thus exerted all military efforts to achieve maximum land gains. By April 1948, they had achieved a military superiority and declared their State. Most of Palestine's indigenous population were expelled or left as a result of the war.

Palestinian Refugees under International Law

The 1951 Convention relating to the Status of Refugees is the key legal document in defining who is a refugee, their rights and the legal obligations of states. The 1967 Protocol removed geographical and temporal restrictions from the Convention. The Convention in Article 1A(2) defines refugees as people who are outside their countries because of a well-founded fear of persecution based on their race, religion, nationality, political opinion or membership in a particular social group, and who, for persecution-related reasons, are unable or unwilling to return home'[2].

The UN General Assembly set forth the framework for resolving the Palestinian refugees case in UN Resolution 194 (III) which provides: repatriation for those refugees "wishing to return to their homes and live in peace with their neighbours," or compensation for those choosing not to return. On 22 November 1974, Resolution 3236 clarified the right to return as an "inalienable right"[3].

Many other laws have been created for the return and protection of the refugees such as 'The Right of Return in the Law of Nationality, The Right of Return in Humanitarian Law (This rule was first codified in Article 43 of the Hague Regulations (and incorporated into all subsequent customary humanitarian law, including the Geneva Conventions and their related Protocols), The Right of Return in Refugee Law and State Practice (Opinio Juris)-The right of return also exists in a special sub-set of human rights law, which is the law relating to refugees[4].

On 11 December 2013, during the sixty-seventh session of the UN General Assembly, several resolutions were adopted. It included the 68/76 'Assistance to Palestine refugees', the '68/79 'Palestine refugees' properties and their revenues' - 68/77 and the 68/77 'Persons displaced as a result of the June 1967 and subsequent hostilities'[5].

Despite the many resolutions there are still little results on the ground and the plight of the Palestinian refugees never ended even after over 60 years. They are living under dire humanitarian conditions, without neither a legal status nor a perspective.

The Palestinian Refugees Situation

The majority of the refugees live in camps within 100 km reach of where their homes of origin are located. Around 20% of the total refugee population reside in 59 official UN camps in Jordan, Lebanon, Syria, and the occupied West Bank and Gaza Strip'[6]. In 2013, the Palestinian Central Bureau of Statistic (PCBS) thus estimated that 5.3 million Palestinian refugees represent more than a half of the worldwide refugee population of 11.6 million[7].

More than 4.3 million Palestinian refugees and their descendents displaced in 1948 are registered for humanitarian assistance with the United Nations. Another 1.7 million Palestinian refugees and their descendents, also displaced in

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2 The United Nations and the Palestinian Refugees, January 2007 http://www.unrwa.org/userfiles/2010011791015.pdf

3 Official Documents System of the United Nations http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/738/38/IMG/NR073838.pdf?OpenElement

4 Palestinian Refugees and the Right of Return in International Law, Badil-Palestine/Israel Journal of Politics, Economics- Vol.9 No.2 2002 / Right of Return http://www.pij.org/details.php?id=145

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6 Refugees International-Facts & Figures-http://www.refugeesinternational.org/get-involved/helpful-facts-%2526-figures

7 World Refugee Day 2013; 'Palestinian Refugees 65 years on', Report from Muslim Aid, 20 June 2013 http://reliefweb.int/report/occupied-palestinian-territory/world-refugee-day-2013-palestinian-refugees-65-years

1948, are not registered with the UN. About 355,000 Palestinians and their descendents are internally displaced inside present-day Israel.

Refugees living in Lebanon suffer from chronic illnesses and a lack of food. In the Gaza strip, 'the problem is overcrowding with 4,583 individuals per square kilometres- the most overpopulated area of land in the world (24%). The situation is especially difficult for the Palestinians living in Syria. Since the start of the conflict in Syria in 2011, the Palestinian refugees are facing terrible humanitarian conditions and are exposed to violence and conflict. In 2013, a total of 540,000 Palestinian refugees in Syria are in urgent humanitarian need with 90% requiring emergency assistance[8]. The 12 camps in Syria are

1. Yarmouk (unofficial),
2. Sbeineh, Qabr Essit
3. Jaramana
4. Khan Eshieh
5. Khan Dunoun, Dara'a,
6. Homs
7. Hama
8. Ramel (unofficial)
9. Neirab
10. Handarat/Ein el-Tal (unofficial)
11. Husseiniyah (unofficial)
12. Al-Hol

It is estimated that another 80,000 Palestinian refugees have fled to Jordan, Egypt, Turkey even though the living conditions are very difficult, and they are facing human rights violations. For 2014, UNRWA will provide 'urgent humanitarian assistance to up to 440,000 Palestinian Refugees, as many of 80,000 to 100,000 in Syria and Lebanon, up to 20,000 in Jordan and at least 1,200 PRS in Gaza'[9].

Largest Palestinian Refugee Camp in Syria – Yarmouk

On December 2013, the UNRWA Commissioner-General on Palestinian refugees, Filippo Grandi, warned that the armed conflict in Syria continues to rise and if the situation is not addressed urgently, it may be too late to save the lives of thousands of Palestinians[10]. At the center of the issue is the Yarmouk district of Damascus, which is currently playing host to 148,000 Palestinian refugees and thousand more Syrians who have been trapped within the area.

Refugees living in Yarmouk are facing an especially difficult situation. They are trapped in the middle of fighting between pro and anti-regime militants, shelling and sniper fire. A siege started on 26 Dec 2012, which lasted until 13 July 2013. UNRWA has no access to the camp. The humanitarian situation is characterized by serious food and medicine shortages, no doctors nor paramedics, no electricity, no mobile and internet network coverage.[11].

Palestinian refugees in Syria cannot access any safe territory with neighbouring countries:

1. Iraq has never been an alternative since Palestinians were expelled from there in 2006
2. Jordan officially closed its border to PRS in January 2013

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8 2013-2014 Model Arab League Background Guide Council on Palestinian Affairs http://ncusar.org/modelarableague/wordpress/wp-content/uploads/2013/10/PA-BGG-2014.pdf

9 http://www.unrwa.org/newsroom/press-releases/unrwa-syria-regional-crisis-response-plan-2014-briefing-recent-Developments

10 Statement by the Commissioner-General on Palestine Refugees Trapped Inside Yarmouk, 20 December 2013 http://www.unrwa.org/newsroom/official-statements/statement-commissioner-general- palestine-refugees-trapped-inside

11 http://ncusar.org/modelarableague/wordpress/wp-content/uploads/2013/02/2013-14-Provisional-Agenda.pdf

3. Lebanon closed its border in August 2013, without any pre- announcement
4. Turkey requires visas from PRS, which they are not able to obtain
5. Other regions require visas from PRS and makes residency permit impossible to obtain.
6. A number of refugees reached countries so far away such as Belarus, Malaysia, Indonesia and Thailand[12]

Recommendations

Ending the plight of Palestinian refugees must be a priority for the international community.

To this end:

1. Those at risk of forced displacement in Palestine and host countries must as soon as possible be given protection
2. Rehabilitation should be ensured as well as their safe return upon resolution of the conflict in Syria.
3. The Casablanca Protocol (1965) should be revised, with special attention given to the legal status, employment, educational opportunities, and freedom of movement for Palestinians.
4. UN General Assembly Resolution 194 (1948) must remain the basis for fully implementing the rights of the Palestinian refugees and the achievement of just peace.

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*Brussels Tribunal, Arab Lawyers Association- UK, Geneva International Centre for Justice (GICJ), Association of Humanitarian Lawyers (AHL), The International League of Iraqi Academics (ILIA), The Iraqi Commission on Human Rights (ICHR), Women Will Association (WWA), Organization for Widows and Orphans (OWO), Ikraam Center for Human Rights, Belgian Peace Movement, Ligue camerounaise des droits de l'homme, Monitoring Net of Human Rights in Iraq (MHRI), Women Solidarity for an Independent and Unified Iraq, Alliance to Renew Co-operation among Humankind, International Coalition against War Criminals (ICAWC), Medical Aid for the Third World, Association of Iraqi Diplomats (AID), The African Association of Human Rights (AAHR), Protection of Human Rights Defenders in the Arab World, Moroccan Association for the Right to a Fair Trial, Americans Against the War (France), General Federation of Iraqi Women (GFIW), The International Action Center (IAC), American Worker, Association of Iraqi Intellectuals and Academics, The International Network of Arab Human Rights NGOs, America In Solidarity, Federacion De Mujeres Cubanas, Association of Victims of American Occupation Prisons, International Anti-Occupation Network (IAON), International Lawyers.org, International Society of Iraqi Scientists, The Perdana Global Peace Foundation, Kuala Lumpur Foundation to Criminalise War, Spanish Campaign against the Occupation and for Iraq Sovereignty- CEOSI, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, El Taller International, World Courts of Women, Center for Development Studies- India, Wariscrime.org, Action Center for Justice, 1% A Peace Army.org, A Bigger Tent.org, Agir contre la guerre (France), American Voices Abroad (Berlin, Germany), American Voices Abroad Military Project (Europe), Anti War Fair, Arizona Christian Peacemakers, Armbands for Peace, Arms Against War, Artists Against the War, Backbone Campaign, Be the Change, Become Active, Bike for Peace (Germany), Bill of Rights Defense Committee, Bird Dogger Org., Children of Iraq Association (UK),Bloomington Peace Action Coalition (IN), Blue State News Only, Boston Mobilization, Bring Democracy Back, Bring Them Home,Butterfly Gardeners Association, Citizens for Accountability on Iraq, California for Democracy, Camp Casey Blog, Camp U.S. Strike for Peace Campaign, Campaign Against Sanctions and Military Intervention in Iran, Canada Watch, Carolina Peace Resource Center (SC), Cartoon Free America, Catalysts of Hope, Central Colorado Coalition on the Iraq War, Chester County Peace Movement (PA), Cindy Sheehan Org., Cities for Peace, Citizens for Legitimate Government, Citizens for Peace & Justice, Human Rights for all-Morocco, Christian Clergy For Impeachment.com, Clothing of the American Mind, Coalition Against Election Fraud, Coalition for Impeachment Now (COIN), Code Pink, the Iraqi Association for Human Rights (IAHR), Al-Basa'er Media Association, Consumers for Peace.org, Dhafir Trial.org, DC Anti-War Network.org, Democracy Action, Democracy for America Meetup

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[12] Magda Qandil, Palestinian Refugees Fleeing Syria No Access to Safe Territory, No Protection In The Middle East- presentation at the Palestinian Return Centre event during the 24th session of the Human Rights Council Session, September 2013, Oral presentation in GICJ site -http://www.gicj.org/index.php?option=com_content&task=view&id=330&Itemid=41

(Birmingham, AL), Olympia Citizens' Movement to Impeach Bush/Cheney (WA), One Million Reasons, Operation Cease Fire, Operation Impeachment, Orange County Grassroots (CA), Out of Iraq, Out of Iraq Bloggers Caucus, Patrick Henry Democratic Club, Patriotic Pulse, Patriots for Gore, Peace Action, Peace Action Wisconsin, Peace and Accountability, Peace Drum, Peace Majority, Peace Movement Aotearoa (New Zealand), Peace Reso.org, Peninsula Peace and Justice Center (Palo Alto, CA), People's Campaign for the Constitution, People Powered Impeachment, People's Email Network, People's Glorious Five Year Plan, Picnic to Impeach, Pixel4Peace.org, Playing in Traffic, PledgeToImpeach.org, Political Cooperative, Politics and Art, Progressive Action Alliance, Progressive Action Center, Progressive Avenues, Progressive Democrats of America, Progressive Democrats of Hawaii Project Filibuster, Project for the OLD American Century, Refusing to Kill.org, Rescue Our Democracy, Sacramento for Democracy (CA), St Pete for Peace (FL), Sampsonia Way, San Diego for Democracy, School of the Americas Watch, Sheehan for Congress, South Florida Impeachment Coalition, South Mountain Peace Action (Maplewood & South Orange, NJ), Springs Action Alliance (CO), Stop the War Coalition (UK), Students for Impeachment, Students Towards a New Direction (STAND), Summit County Progressive Democrats (OH), The Known UnKnowns, The Politically Incorrect Cabaret, The Rational Response Squad, Think Blue Dems, Time for Accountability, Toronto Coalition to Stop the War (Canada), Torture Abolition and Survivors Support Coalition International, True Blue Liberal.org, Trumansburg Impeachment (NY), Truth Empowered, Truthtelling Project, UC Nuclear, Underground Action Alliance, Unitarian Universalist Peace and Justice Group (Nantucket, MA), United Blue USA, United for Veterans (Wayne, MI), United Progressives, Upbeat Defiance, US Peace M morial, US Tour of Duty: Iraq Veterans and Military Families Demand the Truth, Velvet Revolution, Vet Gulf March, Veteran Intelligence Professionals for Sanity, Veterans for Peace, Chapter 27, Virginia Grassroots Coalition, Voters for Peace, We the People for Peace, We the People Network, We the People Now, We The People United Bangladesh.org, Peace Surge, Peace and Justice Action League of Spokane (WA), Stop the War (UK), U.S. Peace Council, World Can't Wait.org, World Prout Assembly, Komite Internazionalista- Basque, Asociación Paz, Igualdad y Solidaridad Internacional, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, Málaga, Spain, Stop Fascism Action Network, The Asian Jurists Centre, Association of Human Rights Defenders in Iraq (AHRDI), The African Center for Human Rights (ACHR), Veterans for Peace, Your Declaration of Independence.org , Arab Lawyers Network-UK, Conservative Centre of Environmental & Reserves in Fallujah (CCERF), Willie Nelson Peace Research Institute, Studies Centre for Human Rights and Democracy, The Iraqi Centre for Human Rights, Association internationale des droits de l'homme, NGOs without consultative status, also share the views expressed in this statement. NGO(s) without consultative status, also share the views expressed in this statement.